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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/762,259
Filing Date: February 02, 2001
Appellant(s): ZYGAN-MAUS, RENATE

Robert G. Crockett
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 13, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-6 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,539,807

5,539,807

Ghisler et al

7-1996

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghisler et al (US 5,539,807).

Consider claim 6. Ghisler teaches logic comprising: means for accepting a request for administering a function of a service via a mobile terminal of a mobile network (Ghisler see especially col 5, lines 5-40); note that it is inherent in the system of Ghisler that the system identify the mobile subscriber; means informing the system of a connection number of a fixed network terminal (Ghisler see especially col 5, lines 5-40); means for allocating the connection number communicated after instructing the mobile subscriber (Ghisler see especially col 6, lines 5-16); and means for controlling a handling of a call initiated from the fixed network terminal device via the service, the call being charged, "allocated" to the mobile subscriber (Ghisler see especially col 6, lines 17-30). Ghisler differs from the claims in that Ghisler enters the fixed terminal number initially rather than being prompted, Official notice is taken that it is notoriously well known in the art to use prompts in order to ensure that the user properly executes the procedure. It would have been obvious to one of ordinary skill in the art for the arrangement of Ghisler to prompt the user for the fixed number in order to ensure that the user properly executes the procedure.

As to claim 1, the arrangement of Ghisler as modified above would perform the claimed steps.

As to claims 2, 5, note that Ghisler's arrangement includes the user of a code, a PIN (Ghisler see especially col 5, line 55 – col 6, line 5).

As to claims 3, 6, note that Ghisler's arrangement ends after completion of the call (Ghisler col 4, lines 60-65).

(11) Response to Argument

Appellant's arguments filed March 22, 2004 have been fully considered but they are not persuasive.

Appellant argues that Ghisler does not teach "allocating a connection number ... to said mobile network subscriber". The examiner maintains that, in view of the instant specification, what is being allocated is payment responsibility for a call from a fixed terminal. The appellant argues that the instant allocation (of a connection number of a fixed network terminal) is performing some other service, "distinct and separate from its" (the fixed terminal's) "ordinary, regular use". However it would seem that having charges for a call from a *fixed* land line terminal be allocated to a *mobile* subscriber account would be "distinct and separate from its ordinary, regular use" in which calls from the fixed terminal would be allocated to the fixed terminal's account. It is not clear what other service "distinct and separate from its ordinary, regular use" the appellant has in mind. Even assuming that the appellant means "allocating" in the sense that a mobile radio might be "allocated" a radio frequency for use, or a desk telephone might be "allocated" an outside line, this is clearly shown in Ghisler. Note for example,

Art Unit: 2684

Ghisler's figure 2, box 17 described in column 6, lines 5-9: "According to step 17, the PSTN assigns, after successful identification of the subscriber, a line to the terminal 6, which is manifested by a register tone in the handset of said terminal." Note also that the terminal 6, has previously been identified by its terminal number, as in the claimed "connection number", as explained by Ghisler at column 5, lines 43-50.

Appellant has also argued that the fixed terminal number is allocated for more than one call, without having to re-enter PIN, referred to as security codes, claims 2 and 5, however this limitation is not present in the claims on appeal.

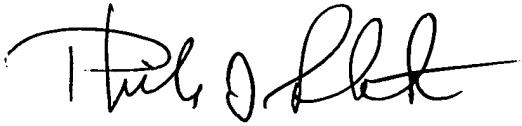
Regarding the taking of Official Notice: note that Ghisler was silent as to instructing the user with a prompt to enter the fixed terminal number, as in the instructing step of instant claim 1. It is noted with appreciation that the appellant did not object to the taking of Official Notice either in the brief, or in the response to the first Office Action.

It is also noted that appellant's remarks have made reference to a figure 2. As noted in the instant specification on page 2, paragraph 9, there is only a single figure in the application.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 2684

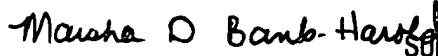
Respectfully submitted,



Philip J. Sobutka

January 10, 2005

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